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 7 MERCK & CO., INC.  
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 CLERK, U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

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 10 **UNITED STATES DISTRICT COURT**  
 11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 '06 CV 2574 H AJB

13 EDNA GOYA, an individual,

CASE NO.:

14 Plaintiff,

15 **DEFENDANT MERCK & CO.,**  
 16 **INC.'S NOTICE OF RELATED**  
 17 **CASES**

18 [Local Rule 40.1(e)]

19  
 20 v.  
 21 MERCK & CO., INC., a Corporation;  
 22 McKesson CORPORATION, a  
 23 Corporation; and DOES 1 through 100,  
 24 inclusive,

25 Defendants.

26 TO THE COURT, AND TO ALL PARTIES AND THEIR ATTORNEYS OF  
 27 RECORD:

28 PLEASE TAKE NOTICE that, pursuant to Local Rule 40.1(e), Defendant Merck  
 & Co., Inc. hereby gives notice that the above-captioned case is the subject of or is  
 related to Multidistrict Litigation that is pending in the United States District Court for  
 the Southern District of New York, captioned In re Fosamax Products Liability  
Litigation, MDL-1789. This action involves allegations regarding the prescription  
 medication FOSAMAX®. On August 16, 2006, the Judicial Panel on Multidistrict  
 Litigation ("MDL Panel") issued an order pursuant to its authority under 28 U.S.C. §

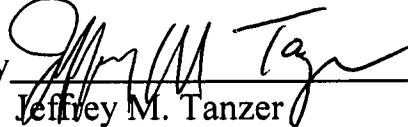
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1 1407, in which the MDL Panel created MDL No. 1789 and transferred 18  
2 FOSAMAX® products liability cases to the United States District Court for the  
3 Southern District of New York (Keenan, J.) for coordinated pretrial proceedings. *In re*  
4 *Fosamax Prods. Liab. Litig.*, 444 F. Supp. 2d 1347 (J.P.M.L. 2006). As of this date, the  
5 MDL Panel has issued nine Conditional Transfer Orders, and 43 actions have been  
6 transferred to MDL 1789. Merck will seek the transfer of this action to MDL-1789, and  
7 will, in the next several days, provide the MDL Panel with notice of this action pursuant  
8 to the "tag-along" procedure contained in the MDL Rules.

9

10 Dated: November 21, 2006

11 VENABLE LLP  
12 DOUGLAS C. EMHOFF  
13 JEFFREY M. TANZER

14 By   
15 Jeffrey M. Tanzer  
16 Attorneys for Defendant  
17 Merck & Co., Inc.

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## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of  
4 18 and not a party to the within action; my business address is 2049 Century Park East,  
#2100, Los Angeles, California 90067.

5 On November 21, 2006, I served the foregoing document(s) described as  
6 **DEFENDANT MERCK & CO., INC.'S NOTICE OF RELATED CASES** on the  
interested parties in this action addressed as follows:

**SEE ATTACHED SERVICE LIST**

By placing true copies thereof enclosed in a sealed envelope(s) addressed as stated above.

**BY PERSONAL SERVICE (CCP §1011):** I delivered such envelope(s) by hand to the addressee(s) as stated above.

**BY MAIL (CCP §1013(a)&(b)):** I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the U.S. Postal Service. Under that practice such envelope(s) is deposited with the U.S. postal service on the same day this declaration was executed, with postage thereon fully prepaid at 2049 Century Park East, #2100 Los Angeles, California, in the ordinary course of business.

**BY OVERNIGHT DELIVERY (CCP §1013(c)&(d)):** I am readily familiar with the firm's practice of collection and processing items for delivery with Overnight Delivery. Under that practice such envelope(s) is deposited at a facility regularly maintained by Overnight Delivery or delivered to an authorized courier or driver authorized by Overnight Delivery to receive such envelope(s), on the same day this declaration was executed, with delivery fees fully provided for at 2049 Century Park East, #2100 Los Angeles, California, in the ordinary course of business.

Executed on November 21, 2006 at Los Angeles, California

**(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

**(FEDERAL)** I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Heather Briggs  
Heather Briggs

## ATTACHED SERVICE LIST

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